

A review of the specific language of the employee manual verifies the manual specifies what to do in case of a robbery and specifically talks about the maintaining of the money drawer. The particular section of the employee manual placed into evidence does not discuss circumstances surrounding a shoplifting incident. The testimony is

contradictory regarding whether claimant was specifically informed as to how to act if he encountered a shoplifter.

As there is ambiguity as to the specific instructions provided to the claimant regarding shoplifters, the Appeals Board finds that the accidental injury to claimant's knee on February 1, 1995, cannot be deemed to have resulted from a prohibited act; and, as such, the Appeals Board finds the incident on February 1, 1995 did arise out of and in the course of claimant's employment with respondent. The Appeals Board finds that the Order of Administrative Law Judge Shannon S. Krysl dated August 28, 1995, should be affirmed in all respects.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Shannon S. Krysl dated August 28, 1995, should be, and is hereby, affirmed in all respects.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of November 1995.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Greg Lower, Wichita, KS  
Lyndon W. Vix, Wichita, KS  
Shannon S. Krysl, Administrative Law Judge  
Philip S. Harness, Director